

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KENNETH GLASSMAN-BLANCO, :
: Plaintiff, : ORDER
: -against- :
: : 13-CV-4287 (KAM) (SMG)
DELTA AIRLINES, INC., :
: Defendant. :
: :
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GOLD, STEVEN M., U.S.M.J.:

I held a conference in this case on June 19, 2014. At that time, I entered an Order directing plaintiff to produce any expert reports by September 5, 2014, and defendant to produce any expert reports by October 3, 2014.

On October 6, 2014, defendant sought an extension from October 3, a Friday, to October 7, the following Tuesday, to serve one of its two expert reports. Docket Entry 30. I granted defendant's application by Order dated October 9, 2014.

Plaintiff submitted a response to defendant's application on October 6, 2014. Docket Entry 31. In his response, plaintiff seeks leave to file the report of his psychologist, which was due on September 5, 2014, on an unspecified date in the future. Plaintiff suggests that, because defendant's application was granted, it is "only fair" to provide him with additional time as well.

Plaintiff's argument fails for several reasons. First, defendant sought additional time *before* the deadline it was seeking to extend passed; plaintiff seeks additional time one month after his deadline expired. Second, defendant sought an extension of two business days; plaintiff seeks an extension of unspecified duration but clearly of more than one month. More significantly, although plaintiff reports that he has provided authorizations releasing his medical

expert's records, defendant has responded that no authorizations were provided. Docket Entry 32.

Plaintiff has not responded to defendant's letter, suggesting that he has no documentation supporting his contention that he previously provided any authorizations. Finally, and also significantly, I set a schedule for expert disclosures that required plaintiff to provide his expert reports before defendant conducted a medical evaluation of plaintiff and its experts prepared their own reports. Now, plaintiff seeks to submit an expert report *after* receiving the reports of defendant's experts.

For all these reasons, plaintiff's application for leave to file an expert report out of time is denied.

SO ORDERED.

/s/
STEVEN M. GOLD
United States Magistrate Judge

Dated: Brooklyn, New York
 October 10, 2014

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